THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 24148 of 2006

O r d e r:

Assailing the proceedings dated 10.11.2006, passed by the 2nd respondent, namely the Depot Manager, placing the petitioner under suspension, pending enquiry into the charges leveled against him, he filed the present writ petition.

The learned counsel for the petitioner submits that the petitioner never used abusive language, much less the unparliamentary language as mentioned in the impugned order against the 5th respondent, who was holding the post of 3rd respondent. He submits that as the bus, which he was conducting, reached Macherla Bus Station beyond the schedule, the passengers who were waiting for the bus, started abusing the staff in filthy language, and when he was requesting the passengers not to use abusive language, the 5th respondent, who was holding the post of the 3rd respondent came to the spot, and mistaking that the petitioner is responsible for the commotion and alleging that he made abusive language against him, made complaint against him, and basing on such complaint, the 2nd respondent passed the impugned order, placing him under suspension, pending enquiry, which is illegal and arbitrary. He thus prayed that the impugned order be set aside and the writ petition be allowed.

On the other hand, the learned Standing Counsel for the respondent submitted that as the petitioner misbehaved with and used abusive language against the 5th respondent, who was holding the post of 3rd respondent, and as the behaviour of the petitioner, was riotous, the 2nd respondent placed the petitioner under suspension, pending enquiry, and no interference is called for therewith. He thus prayed that the writ petition be dismissed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-APSRTC and perused the impugned order.

On the allegation that the petitioner had misbehaved and used unparliamentary language against the 5th respondent, who at the

relevant point of time, was holding the post of 3rd respondent, and such behaviour of the petitioner, tarnished the image of the respondents, and that it constituted a misconduct, he was placed under suspension, pending enquiry by reason of the impugned order. The questions, namely whether the passengers abused the staff of the respondents or whether the petitioner misbehaved and abused the 5th respondent, who was holding the post of

5th respondent in unparliamentary language or whether the

5th respondent was not present at the time when the passengers were abusing the staff, and whether the alleged abusive utterances, as reflected in the impugned order, were not made by the petitioner against the 5th respondent, who was holding the post of 3rd respondent, are all matters of enquiry. The allegations made against the petitioner, and unless enquiry is conducted, it cannot be said whether or not the petitioner misbehaved with the 5th respondent, who was holding the post of 3rd respondent. In that view of the matter, I find no reason whatsoever to interfere with the impugned order, passed by the 2nd respondent, placing the petitioner under suspension, and more so when suspension, pending enquiry, is held to be not a punishment, but is made only to facilitate a free and fair enquiry.

The writ petition is devoid of merit, and the same is accordingly dismissed. However, the respondents are directed to expedite the enquiry. No costs.

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N.V. RAMANA, J.

Dated: 30th November, 2006.
KSR